

# Spain

## Section 1. Respect for the Integrity of the Person, Including Freedom from:

### e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence.

#### Trial Procedures

The constitution and law provide for the right to a fair public trial, and the independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence, the right to be informed promptly and in detail of the charges against them with free interpretation as necessary from the moment charged through all appeals, the right to a fair and public trial without undue delay, and the right to be present at their trial. Defendants have the right to an attorney of their choice. If the defendant is indigent, the government appoints an attorney. Defendants and their attorneys have adequate time and facilities to prepare a defense, and have access to government-held evidence. During the trial defendants may confront witnesses, and present their witnesses and evidence. Defendants cannot be compelled to testify or confess guilt, and they have the right of appeal. These rights apply to all defendants without discrimination.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

#### Civil Judicial Procedures and Remedies

Individuals or organizations may bring civil lawsuits seeking damages for a human rights violation. The complainant may also pursue an administrative resolution. Persons may appeal court decisions involving alleged violations of the European Convention on Human Rights to the ECHR after they exhaust all avenues of appeal in national courts.

## Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

### Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

Antidiscrimination laws exist which prohibit discrimination based on sexual orientation and gender identity. The law can consider an anti-LGBTI hate element an aggravating circumstance in crimes.

In Catalonia the law provides members of the LGBTI community greater protections than those provided by national law and prohibits discrimination based on sexuality in competencies of the regional government, such as the provision of education and health care. It reverses the burden of proof involved in cases of discrimination in the realms of civil and social law. Nevertheless, the Observatory against Homophobia in Catalonia claimed that homophobia among persons ages 16 to 20 was rising.

The country's consulates enroll in the civil registry of children born through surrogacy.

According to the Ministry of the Interior, of the 1,328 reported hate crimes during 2015, 169 (13 percent) were linked to the victim's sexual orientation, down 67 percent from 2014. The LGBTI association Arcopoli also asserted that most of the attackers were under the age of 30.

The government fought LGBTI hate crimes by sensitizing police and social workers on sexual diversity, increasing awareness of LGBTI hate crimes, facilitating reporting, and providing better assistance to victims of these crimes. Employing a whole-of-government approach, the government channeled its effort in this area through the Spanish Observatory against LGBT-phobia, an initiative created by the Spanish Federation of LGBTI and with the support of the Ministries of Health, Social Services, and Equality, and of the Interior.

In May, Madrid Regional President Cristina Cifuentes announced that the emergency services would provide specialized attention to LGBTI victims.

In March, to fight against transphobia, the Barcelona municipal government created a Trans Service of Shelter and Accompaniment under the LGBT Resource Center of Barcelona. Under this initiative the municipal government developed a guide with information for those wanting to undergo a sex change and resources for those facing discrimination. The guide also identifies LGBTI-friendly projects in the city.

## **HIV and AIDS Social Stigma**

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*No information in this sub-section. Please see the full country report for more.*

## **Promotion of Acts of Discrimination**

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*No information in this sub-section. Please see the full country report for more.*